

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11938-JLT
Internal Use Only**

Stevens v. Howland et al
Assigned to: Judge Joseph L. Tauro
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 09/03/2004
Date Terminated: 05/08/2007
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

William G. Stevens

represented by **William G. Stevens**
Mass Treatment Center
30 Administration Rd.
Bridgewater, MA 02324
PRO SE

V.

Defendant

Robert Howland

represented by **Richard C. McFarland**
Department of Correction
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300 X 132
Fax: 617-727-7403
Email: rcmcfarland@doc.state.ma.us
ATTORNEY TO BE NOTICED

Defendant

Joseph Murphy

represented by **Richard C. McFarland**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Superintendent Robert Murphy

represented by **Richard C. McFarland**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kathleen Dennehy

represented by **Richard C. McFarland**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Massachusetts Department of
 Corrections**

represented by **Richard C. McFarland**
 (See above for address)
ATTORNEY TO BE NOTICED






Date Filed	#	Docket Text
09/03/2004	<u>1</u>	COMPLAINT , filed by William G. Stevens.(Abaid, Kim) (Entered: 09/07/2004)
09/03/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Abaid, Kim) (Entered: 09/07/2004)
09/03/2004	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by William G. Stevens.(Abaid, Kim) (Entered: 09/07/2004)
10/12/2004	<u>3</u>	Judge Joseph L. Tauro : ORDER entered granting <u>2</u> Motion for Leave to Proceed in forma pauperis. The Clerk shall issue summonses as to defendants Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy; and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendant(s) as directed by the plaintiff with all costs of service to be advanced by the United States.Plaintiff's claims shall be dismissed pursuant to 28 U.S.C. section 1915(e)(2) without further notice as to defendant Massachusetts Department of Correction. (Morse, Barbara) (Entered: 10/13/2004)
10/12/2004	<u>4</u>	Judge Joseph L. Tauro : MEMORANDUM entered. Plaintiff shall file a signed copy of the complaint within forty-two days of the date of this Memorandum and Order or this action will be dismissed without prejudice. Plaintiff's claims against the Department of Correction are dismissed based on Eleventh Amendment immunity. Memorandum mailed to plaintiff with copy of the original complaint. (Morse, Barbara) (Entered: 10/13/2004)
10/13/2004		Set Deadlines/Hearings: Filing of complaint with plaintiff's signature due by 11/23/2004. (Morse, Barbara) (Entered: 10/13/2004)
10/13/2004		Summons Issued as to Kathleen Dennehy, Robert Howland, Joseph Murphy, Robert Murphy. (Morse, Barbara) (Entered: 10/13/2004)
10/20/2004	<u>5</u>	Signed Copy of Complaint filed as Ordered on October 12, 2004 by William G. Stevens. (Abaid, Kim) (Entered: 10/21/2004)
11/24/2004	<u>6</u>	US Marshal Process Receipt and Return for Civil Summons. Kathleen Dennehy served Delivered on November 18, 2004 . (Abaid, Kim) (Entered: 11/24/2004)

		11/30/2004)
11/29/2004	<u>9</u>	SUMMONS Returned Executed Joseph Murphy served on 10/19/2004, answer due 11/8/2004. (Abaid, Kim) (Entered: 11/30/2004)
11/29/2004	<u>10</u>	SUMMONS Returned Executed Robert Howland served on 10/19/2004, answer due 11/8/2004. (Abaid, Kim) (Entered: 11/30/2004)
11/29/2004	<u>11</u>	SUMMONS Returned Executed Robert Murphy served on 10/20/2004, answer due 11/9/2004. (Abaid, Kim) (Entered: 11/30/2004)
11/30/2004	<u>7</u>	MOTION for Extension of Time to 12/22/2004 to File Answer by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy.(McFarland, Richard) (Entered: 11/30/2004)
11/30/2004	<u>8</u>	CERTIFICATE OF SERVICE by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy re <u>7</u> MOTION for Extension of Time to 12/22/2004 to File Answer. (McFarland, Richard) (Entered: 11/30/2004)
12/01/2004		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>7</u> Motion for Extension of Time (Abaid, Kim) (Entered: 12/02/2004)
12/03/2004	<u>12</u>	MOTION to Amend <u>1</u> Complaint by William G. Stevens. (Attachments: # <u>1</u> Proposed Amended Complaint# <u>2</u> Proposed Amended Complaint Continued)(Abaid, Kim) (Entered: 12/06/2004)
12/08/2004	<u>13</u>	ANSWER to Complaint with Jury Demand by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy.(McFarland, Richard) (Entered: 12/08/2004)
12/13/2004	<u>14</u>	Opposition re <u>12</u> MOTION to Amend <u>1</u> Complaint filed by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy. (McFarland, Richard) (Entered: 12/13/2004)
12/13/2004	<u>15</u>	MEMORANDUM in Opposition re <u>12</u> MOTION to Amend <u>1</u> Complaint filed by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy. (McFarland, Richard) (Entered: 12/13/2004)
01/04/2005	<u>16</u>	MOTION for Leave to File a Reply Memorandum to the Defendants' Memorandum in Opposition to the Motion to Amend by William G. Stevens.(Abaid, Kim) (Entered: 01/04/2005)
03/14/2005	<u>17</u>	Letter re: Scheduling Order from William G. Stevens. (Abaid, Kim) (Entered: 03/15/2005)
06/28/2005		Judge Joseph L. Tauro : Electronic ORDER entered denying <u>12</u> Motion to Amend, denying <u>16</u> Motion for Leave to File (Abaid, Kim) (Entered: 06/29/2005)

08/19/2005	<u>18</u>	MOTION to Compel by William G. Stevens.(Abaid, Kim) (Entered: 08/22/2005)
08/19/2005	<u>19</u>	AFFIDAVIT in Support re <u>18</u> MOTION to Compel. (Attachments: # <u>1</u> Exhibit)(Abaid, Kim) (Entered: 08/22/2005)
09/08/2005	<u>20</u>	MOTION to Compel the Massachusetts Department of Correction to Provide Photo Copies of Legal Documents and Legal Publications by William G. Stevens.(Abaid, Kim) (Entered: 09/12/2005)
09/15/2005	<u>21</u>	Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Judith G. Dein Referred for: Case Management and Report and Recommendations on any Dispositive Motions(Abaid, Kim) (Entered: 09/15/2005)
09/19/2005	<u>22</u>	Opposition re <u>20</u> MOTION to Compel <i>Department of Correction to Provide Photocopies of Legal Documents and Legal Publications</i> filed by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections. (McFarland, Richard) (Entered: 09/19/2005)
09/19/2005	<u>23</u>	MEMORANDUM in Opposition re <u>20</u> MOTION to Compel <i>Department of Correction to Provide Photocopies of Legal Documents and Legal Publications</i> filed by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections. (Attachments: # <u>1</u> Affidavit # <u>2</u> Exhibit)(McFarland, Richard) (Entered: 09/19/2005)
09/19/2005	<u>24</u>	CERTIFICATE OF SERVICE by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections re <u>22</u> Opposition to Motion., <u>23</u> Memorandum in Opposition to Motion., (McFarland, Richard) (Entered: 09/19/2005)
09/20/2005	<u>25</u>	Judge Judith G. Dein: SCHEDULING ORDER entered. Written discovery to be served by 10/20/05; all other discovery filed by 12/23/05 and completed by 2/3/06; defendant to file mtn/summary judgment by 3/3/06; plaintiff's opposition due 3/31/06; defendant's reply due 4/14/06.(Irwin, Nancy) (Entered: 09/20/2005)
09/20/2005		Judge Judith G. Dein: Electronic ORDER entered denying <u>18</u> Motion to Compel (Irwin, Nancy) (Entered: 09/20/2005)
10/03/2005	<u>26</u>	MOTION for Leave to File A Reply Affidavit by William G. Stevens. (Attachments: # <u>1</u> Proposed Affidavit# <u>2</u> Exhibits to Affidavit# <u>3</u> Exhibits Continued)(Abaid, Kim) (Entered: 10/03/2005)
10/06/2005		Judge Judith G. Dein : ElectronicORDER entered granting <u>26</u> Plaintiff's Motion for Leave to File Reply Affidavit. (Dambrosio, Jolyne) (Entered: 10/06/2005)
10/06/2005	<u>27</u>	AFFIDAVIT by William G. Stevens. (Attachments: # <u>1</u> Exhibit Part 1# <u>2</u> Exhibit Part 2)(Abaid, Kim) (Entered: 10/07/2005)

12/16/2005	<u>28</u>	MOTION for Discovery - <i>Leave to Depose Inmate/Plaintiff</i> by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections.(McFarland, Richard) (Entered: 12/16/2005)
12/19/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>28</u> Defendant's Motion for Leave to Depose Inmate/Plaintiff. (Dambrosio, Jolyne) (Entered: 12/19/2005)
01/27/2006	<u>29</u>	MOTION for Extension of Time to April 3, 2006 to Complete Discovery by William G. Stevens.(Abaid, Kim) (Entered: 01/30/2006)
01/31/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>29</u> Motion for Extension of Time. Discovery to be completed by 4/3/2006. Motions for summary judgment due by 5/3/2006. (Dambrosio, Jolyne) (Entered: 01/31/2006)
03/15/2006	<u>30</u>	Judge Judith G. Dein : ORDER entered denying without prejudice <u>20</u> Plaintiff's Motion to Compel. (Dambrosio, Jolyne) (Entered: 03/15/2006)
04/28/2006	<u>31</u>	MOTION for Extension of Time to June 30, 2006 to File Motion for Summary Judgment by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections.(McFarland, Richard) (Entered: 04/28/2006)
05/01/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>31</u> Defendants' Motion for Extension of Time to 6/30/06 to File Motion for Summary Judgment. (Dambrosio, Jolyne) (Entered: 05/01/2006)
06/07/2006	<u>32</u>	MOTION for Funds to Transcribe Oral Depositions by William G. Stevens.(Abaid, Kim) (Entered: 06/07/2006)
06/14/2006		Judge Judith G. Dein : Electronic ORDER entered denying <u>32</u> Plaintiff's Motion for Funds to Transcribe Oral Depositions provided, however, that if the defendants have obtained transcripts, the defendants shall make the transcripts available for review by the plaintiff at a mutually agreed upon time. (Dambrosio, Jolyne) (Entered: 06/14/2006)
06/29/2006	<u>33</u>	MOTION for Extension of Time to 8/30/06 to file summary judgment motion by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections.(McFarland, Richard) (Entered: 06/29/2006)
06/30/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>33</u> Defendants' Assented To Motion for Extension of Time to 8/30/06 to File Summary Judgment Motions. (Dambrosio, Jolyne) (Entered: 06/30/2006)
07/21/2006	<u>34</u>	MOTION for Summary Judgment by William G. Stevens.(Abaid, Kim) (Entered: 07/24/2006)
07/21/2006	<u>35</u>	MEMORANDUM in Support re <u>34</u> MOTION for Summary Judgment filed by William G. Stevens. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Abaid, Kim) (Entered: 07/24/2006)

08/30/2006	<u>36</u>	MOTION for Summary Judgment by all defendants.(McFarland, Richard) (Entered: 08/30/2006)
08/30/2006	<u>37</u>	MEMORANDUM in Support re <u>36</u> MOTION for Summary Judgment filed by all defendants. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit)(McFarland, Richard) (Entered: 08/30/2006)
08/30/2006	<u>38</u>	MOTION for Leave to File Excess Pages by all defendants.(McFarland, Richard) (Entered: 08/30/2006)
08/31/2006		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>38</u> Motion for Leave to File Excess Pages (Abaid, Kim) (Entered: 08/31/2006)
10/02/2006	<u>39</u>	MOTION for Extension of Time to October 27, 2006 to Respond to the Cross Motion for Summary Judgment by William G. Stevens.(Abaid, Kim) (Entered: 10/03/2006)
10/04/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>39</u> Plaintiff's Motion for Extension of Time to 10/27/06 to Respond to Cross Motion for Summary Judgment. (Dambrosio, Jolyne) (Entered: 10/04/2006)
10/31/2006	<u>40</u>	MOTION for Leave to File Excess Pages by William G. Stevens.(Abaid, Kim) (Entered: 10/31/2006)
10/31/2006	<u>41</u>	MEMORANDUM in Opposition re <u>36</u> MOTION for Summary Judgment filed by William G. Stevens. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8# <u>9</u> Exhibit 9# <u>10</u> Exhibit 10# <u>11</u> Exhibit 11# <u>12</u> Exhibit 12# <u>13</u> Exhibit 13)(Abaid, Kim) (Entered: 10/31/2006)
11/01/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>40</u> Plaintiff's Motion for Leave to File Excess Pages. (Dambrosio, Jolyne) (Entered: 11/01/2006)
01/08/2007		ELECTRONIC NOTICE of Hearing on Motion <u>36</u> & <u>34</u> CROSS-MOTIONS for Summary Judgment: Motion Hearing set for 1/26/2007 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) Modified on 1/8/2007 to change year from 2006 to 2007. (Dambrosio, Jolyne). (Entered: 01/08/2007)
01/26/2007		Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 1/26/2007 re <u>36</u> MOTION for Summary Judgment filed by Joseph Murphy,, Kathleen Dennehy,, Massachusetts Department of Corrections,, Robert Howland,, Robert Murphy,, <u>34</u> MOTION for Summary Judgment filed by William G. Stevens,. USMJ Dein bears arguments from Attorney McFarland and Pro Se Stevens and takes the matters under advisement. (Court Reporter DR.) (Quinn, Thomas) (Entered: 01/31/2007)
03/29/2007	<u>42</u>	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re <u>34</u> Plaintiff's MOTION for Summary Judgment

		and <u>36</u> Defendants' MOTION for Summary Judgment. Recommendation: that the Plaintiff's Motion be denied and that the Defendants' Motion be allowed with respect to all federal law claims. Objections to R&R due by 4/12/2007. (Dambrosio, Jolyne) (Entered: 03/29/2007)
03/29/2007		Case no longer referred to Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 03/29/2007)
04/10/2007	 <u>43</u>	OBJECTION to <u>42</u> Report and Recommendations filed by William G. Stevens. (Abaid, Kim) (Entered: 04/10/2007)
05/08/2007	 <u>44</u>	Judge Joseph L. Tauro : ORDER entered. The March 29, 2007 Report and Recommendations of USMJ Dein <u>42</u> is ACCEPTED AND ADOPTED. <u>34</u> Plaintiff's Motion for Summary Judgment is DENIED. [356] Defendants' Motion for Summary Judgment is ALLOWED with respect to all federal claims, as alleged in Counts I, II and VI. These counts are DISMISSED WITH PREJUDICES. This court declines to exercise jurisdiction over the remaining state law claims. The case is CLOSED.(Abaid, Kimberly) (Entered: 05/09/2007)
05/17/2007	 <u>45</u>	NOTICE OF APPEAL as to <u>44</u> Order Adopting Report and Recommendations, by William G. Stevens NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals.Appeal Record due by 6/6/2007. (Abaid, Kimberly) (Entered: 05/17/2007)
05/17/2007	 <u>46</u>	MOTION to Appoint Appellate Counsel by William G. Stevens.(Abaid, Kimberly) (Entered: 05/17/2007)